REMARKS

This is in response to the Office Action mailed on <u>December 14, 2004</u>, and the references cited therewith.

Claim 19 has been amended to correct a typological error. No other claims are amended, canceled, or added; as a result, claims 1 – 41 remain pending in this application.

§*103 Rejection of the Claims*

Claims 1-6, 9-13, 17-30, 33-36 and 40-41 were rejected under 35 USC § 103(a) as being unpatentable over Howe et al. (U.S. 6,502,242) in view of Filepp et al. (U.S. 6,195,661).

Claims 14-16 and 37-39 were rejected under 35 USC § 103(a) as being unpatentable over Howe et al. in view of Filepp et al., and further in view of Chen et al. (U.S. 6,269,374).

Claims 7-8 and 31-32 were rejected under 35 USC § 103(a) as being unpatentable over Howe et al. in view of Filepp et al., and further in view of Wistendahl (U.S. 6,496,981).

Howe relates to:

... an approach for viewer-friendly and virtually instantaneous transitioning from a first analog based television program to a second program, particularly an interactive application program, and further permits a similarly rapid and easily accomplished return to viewing the first program. To accomplish this convenient and virtually instantaneous transition between programs such as a broadcast program and an interactive application or program, the present invention provides a system for permitting a provider of program content to furnish a video service provider with content, such as an interactive program or application, and **for permitting the video service provider to transmit to the Content Provider an identifying code or address, such as an interactive callback address. The video service provider associates this identifying code or address with a location at which the program or application will be stored.** The identifying code or callback

address may be a program-specific code that can be used by subscribers to invoke the

program from the video services provider directly. Alternatively, the identifying code

may be a common identifying code or callback address (which might be called a "well-

known callback address"), used by all subscribing viewers to access a program- or

application-specific identifying code or callback address, which is in turn used to invoke

the program. According to the present invention, Content Providers may transmit the

identifying code or callback address for a second program in coordination with a first

program, so that viewers of the first program, who have access to systems operated by the

video service provider, may invoke the second program, which may be an interactive

program or application, using that identifying code or callback address. (Col. 3, lines 23-

54). (emphasis added).

Howe further states:

When the session is terminated, the set top box re-tunes the television signal to

the original program channel. (Howe, Abstract).

As is evident from the abstract, drawings (e.g., see flowcharts shown in Figures 2B, 3B,

4b and 5B) and the written description, Howe describes a system and method for switching from

a one channel to another e.g., from a program channel being viewed to a different interactive

channel.

In Filepp:

A method for **locating application records** in an interactive-service database is

described. The method features steps for creating multiple search tables which represent

subsets of the database to be interrogated; for example the applications of an interactive

service. In accord with the method, **steps are provided for arranging the tables with**

keyword, record locators, indexed to record identifiers Additionally, the method

includes steps for providing each table with a unique coding and steps for generating

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 09/843,614
Filing Date: April 25, 2001
Title: SYNCHRONOUS UPDATING OF DYNAMIC INTERACTIVE APPLICATIONS

Page 13
Dkt: 2050.019US1

table codes at the user reception system in response to a query for a database record entered with a variety of search strategies; as for example, character string searching approximating the record sought, alphabetized record searching, subject matter category searching and personalized record searching, among others. Further, the method includes steps for comparing the table code generated with available table codes for the database to select a table suited for the query. Thereafter, the appropriate table is presented at the reception system so the table keywords can be reviewed and a desired record selected and presented. (Filepp, Abstract). (emphasis added).

Claim 1 includes the limitations of:

> receiving at the broadcast system a broadcast signal including at least one record of **a first interactive application**;
> **selecting a second interactive application**, and broadcasting records of the second interactive application to the reception device **in place of at least some of the records of the first interactive application, for execution of the second interactive application by the reception device**;
> receiving at the broadcast system in the broadcast signal one or more additional records of the first interactive application; and
> broadcasting from the broadcast system selected ones of the additional records to the reception device, **for execution of the second interactive application in conjunction with the additional records (emphasis added).**

It is submitted that numerous limitations of claims 1 are not described or even suggested in either Howe or Filepp. For example, both Howe and Filepp neither disclose nor even suggest the limitations of "selecting a second interactive application, and broadcasting records of the second interactive application to the reception device in place of at least some of the records of the first interactive application, for execution of the second interactive application by the reception device" and "broadcasting from the broadcast system selected ones of the additional

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 09/843,614
Filing Date: April 25, 2001
Title: SYNCHRONOUS UPDATING OF DYNAMIC INTERACTIVE APPLICATIONS

Page 14
Dkt: 2050.019US1

records to the reception device, for execution of the second interactive application in conjunction with the additional records."

However, the Office Action submits that the limitations of claims 1 are shown in Figures 1, 6, and 10 and at Col. 19, lines 25-55. Figures 1, 6 and 10 show an interactive server but do not in any way disclose or even suggest the limitations of "broadcasting records of the second interactive application to the reception device in place of at least some of the records of the first interactive application, for execution of the second interactive application by the reception device" and "broadcasting from the broadcast system selected ones of the additional records to the reception device, for execution of the second interactive application in conjunction with the additional records." Col. 25-55 also fails to disclose these limitations.

In view of the above, it is submitted that claim 1 is allowable. As claims 2-17 are dependent upon claim 1 they are also allowable.

Claim 42 also includes the limitation of "broadcasting records of the second interactive application to the reception device in place of at least some of the records of the first interactive application, for execution of the second interactive application by the reception device." In view of the above it is also submitted that claim 42 is allowable.

Claim 41 includes the limitations of:

> broadcasting records of the customized version of the first interactive application
>> to the reception device in place of the records of the first interactive application;
>
> receiving at the broadcast system additional records of the first interactive application; and
>
> responsive to determining that an additional record is an update of a

> corresponding record of the customized interactive application,
> broadcasting the additional record to the reception device, for execution of the
> customized application in conjunction with the additional record...

In view of the remarks above it is submitted that claim 41 is also allowable.

Claim 18 includes the limitations of:

> a server that maintains state information for the first interactive application in
> response to the output signals from the code detector, and in response to
> the state of the first interactive application, outputs commands to start or
> stop the output of updated records of the interactive application;
>
> a code reader, adapted to read interactive application codes of an interactive
> application and to identify records of the first interactive application that
> are updates of corresponding records of a second interactive application
> stored in a broadcast server, and communicatively coupled to the server,
> that selectively provides the updated records to the broadcast server in
> response to the commands from the server...

The Office Action submits that the above limitations are described at Col. 18, lines 40-50
in Howe. The referenced section reads as follows:

> After receiving the request for the ICA, the interactive server 5 assigns an ICA consistent
> with the state of the interactive server 5 and its memory 8 and other storage devices 8A
> and 9. The video service provider 1 also stores the application received from the Content
> Provider in a suitable storage device, such as video storage 9, and stores the ICA and
> perhaps information relating to the interactive application in a database maintained, for
> example, in disk storage 8A. Such additional information may include an application ID
> selected by the video service provider 1. (Howe, column 18, lines 40-50).

It is submitted that the above section in no way describes or even suggests all the limitations of claim 18 as set out above. For example, the above section from Howe does not describe or even suggest the limitation of "a code reader, adapted to **read interactive application codes** of an interactive application and to identify records of the **first interactive application that are updates of corresponding records of a second interactive application** stored in a broadcast server." (emphasis added). This limitation is also not described or even suggested in Filepp.

In view of the above, it is submitted that claim 18 is allowable. As claims 19-39 are dependent upon claim 18 they are also allowable.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-333-9972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

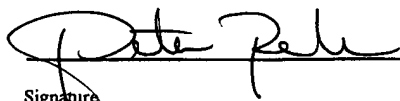BRIAN C. GEBHARDT ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-333-9972

Date ___03/14/05___   By _____
                                                          Andre L. Marais
                                                          Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this _14_ day of March, 2005.

_____   _____
Name   Signature